

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIAN PAN,

Appellant,

v.

RALPH PARTNERS II, LLC,

Appellee.

Case No. 18-cv-04444-PJH

ORDER TO SHOW CAUSE

This is appellant Jian Pan's second appeal from a bankruptcy court proceeding. Both this appeal and Pan's recently dismissed appeal, Jian Pan v. Ralph Partners II, LLC, 18-3354 PJH (N.D. Cal.), pertain to an order issued on May 8, 2018, that lifted an automatic stay. Dkt. 1-5 at 25-26. That order allowed appellee Ralph Partners II, LLC, to immediately enforce its legal remedies to obtain possession of the property at issue in the bankruptcy proceeding. Id. There is no stay pending appeal in effect.

On May 16, 2018, Pan filed a notice of appeal in the bankruptcy court. The notice of appeal was forwarded to the U.S. Bankruptcy Appellate Panel ("BAP") and assigned BAP No. 18-1133. On May 22, 2018, the BAP issued its Opening Letter Schedule which directed, inter alia, Pan to comply with Bankruptcy Rule 8009. That rule requires an appellant to file with the clerk and serve on the appellee a designation of items to be included in the record and a statement of issues within 14 days after filing a notice of appeal. BAP No. 18-1133, Dkt. 3; Fed. R. Bank. Proc. 8009. It does not appear that Pan has complied with that requirement.

On June 18, 2018, the BAP issued a Notice of Possible Mootness that required the parties to notify the BAP in writing no later than July 2, 2018, regarding whether the

1 appeal was moot. BAP No. 18-1133, Dkt. 6. Neither party responded to that order.

2 Lastly, on July 16, 2018, the BAP transferred No. 18-1133 to the U.S. District
3 Court for Northern District of California because the appeal pertained to the same order
4 appealed in Jian Pan v. Ralph Partners II, LLC, 18-3354 PJH (N.D. Cal.). At that time,
5 BAP No. 18-1133 became this appeal, No. 18-4444 PJH.

6 With that background, the court ORDERS:

- 7 1. Appellant to show cause why his failure to perfect his appeal pursuant to
8 Rule 8009 should not result in dismissal of this appeal; and
9 2. Appellant to notify the court whether this appeal is now moot.

10 Appellant shall file a written response to this order within 14 days.

11 **IT IS SO ORDERED.**

12 Dated: July 30, 2018



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14 PHYLLIS J. HAMILTON
United States District Judge